

In the Supreme Court of Iowa

**Adoption of Clarifying
Amendments to New
Discovery Rules and Forms**)
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Order

CLERK SUPREME COURT

On January 1, 2015, changes to the Iowa Rules of Civil Procedure relating to disclosure and discovery took effect.

Since January 1, the court has received feedback requesting clarifications to these new rules and forms in three areas. After consulting with the Advisory Committee Concerning Certain Civil Justice Reform Task Force Recommendations chaired by Justice Edward Mansfield, and the implementation committee chaired by Chief Judge Marlita Greve, the Iowa Supreme Court has decided to make clarifying changes in all three areas. They are as follows.

A. Exemption of Domestic Relations Proceedings from the New Discovery Conference and Trial Scheduling Requirements.

A concern has been raised in several judicial districts that the new rules have led to an unanticipated change in how family law cases are processed. In those districts, family law cases historically have not gone through the same civil trial setting process as other civil cases. A further concern has been raised that the discovery conference requirement may not be well-suited to family law cases because of the number of pro se litigants.

An Iowa Family Law Case Processing Reform Task Force was recently formed. This task force, chaired by Justice Thomas Waterman, is expected to identify best practices for family law case processing for statewide adoption.

Accordingly, the supreme court has decided to suspend the new requirements relating to initial discovery conferences and trial setting as

they apply to domestic relations cases. These matters will be reviewed by Justice Waterman's task force.

The accompanying amendments to rules 1.507(1) and 1.906 are designed to achieve that purpose. No change is being made concerning initial disclosures except the deadline for initial disclosures must be modified in domestic relations cases, because under rule 1.500(1) it is tied to the date of the initial discovery conference, which will no longer be required in domestic relations cases. Thus, rule 1.500(1) is being amended to provide that in domestic relations proceedings initial disclosures must occur "within 60 days of filing of petition unless a different time is set by stipulation or court order or unless the court, upon motion, relieves the parties from the obligation to provide initial disclosures."

B. Signature Block on Trial Scheduling and Discovery Plan Forms.

In the versions that became effective January 1, 2015, Rule 23.5—Form 2: Trial Scheduling and Discovery Plan and Form 3: Trial Scheduling and Discovery Plan for Expedited Civil Action retained an "optional" signature block from the former Rule 23.5—Form 2: Trial Scheduling Order. Under EDMS, however, at least one party to the action *must sign* the new rule 23.5 forms 2 and 3 for proper electronic filing. This has led to some confusion.

To eliminate this confusion, the court approves amendments to the new forms that provide the standard EDMS signature block and clarify that at least one party must sign the form.

C. Deadline for Pretrial Submissions on Trial Scheduling and Discovery Plan Forms.

In the versions of Rule 23.5—Form 2 and Form 3 that became effective January 1, 2015, it was intended that the standard deadline for

final pretrial submissions would be 14 days before trial and that the parties could propose a modified deadline, but not less than 7 days before trial. This would insure that the court receives the submissions at least 7 days before trial. The wording in paragraph 9 of both forms, however, has led to confusion. To eliminate the confusion, the court approves a further amendment to both forms.

The amendments to rules 1.500(1), 1.507(1), 1.906, and 23.5—Forms 2 and 3 effectuated by this order are provided herewith.

The amendments to rules 1.500(1), 1.507(1), 1.906 are effective immediately, subject to Legislative Council review pursuant to Iowa Code section 602.4202.

The amendments to rule 23.5—Forms 2 and 3 are effective immediately.

Dated this 1st day of April, 2015.

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice